

**DECISION****RECOMMENDATIONS FOR GUIDELINES FOR TRANSITIONAL VERIFICATION ARRANGEMENTS, IN ACCORDANCE WITH PART IV (A), PARAGRAPH 51, OF THE VERIFICATION ANNEX (PARIS RESOLUTION, SUBPARAGRAPH 12(M))****The Conference**

**Recalling** that the Commission in its PC-VI/22, subparagraph 6.8 (d) and Corr.1, **adopted** the concept and guidelines on transitional verification arrangements developed by the Expert Group,

**Recalling** that the Commission in its PC-XV/25, paragraph 8.2, **decided** to delete the task "Finalise recommendations for guidelines for transitional verification arrangements, in accordance with Part IV(A), paragraph 51 of the Verification Annex (subparagraph 12(m) of the Paris Resolution)" from its list of tasks. This deletion was on the understanding that the above task has been fully addressed by Section III and Appendix 1 of the Chairman's Paper annexed to the Third Report of the Expert Group on Chemical Weapons Destruction Facilities (PC-VI/B/WP.14) and by Table 1 of the same Group's Interim Report (PC-V/B/WP.17),

**Bearing in mind** that the Commission recommended in paragraph 43.3 of its Final Report that the Conference adopt the above mentioned recommendations,

**Hereby:**

1. **Adopts** the recommendations for guidelines to be established by the Executive Council for the assessment and approval of transitional verification arrangements, annexed hereto.

Annex

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### **Transitional Verification Arrangements<sup>1</sup>**

1. Per Part III, paragraph 6, and Part IV(A), paragraph 51, the Convention provides the following:
  - (a) TVAs which include a transitional facility agreement, provisions for verification through on-site inspection, and monitoring with on-site instruments apply for two types of chemical weapons destruction facilities (CWDFs) during the transitional period:
    - (i) those in operation at entry into force for the State Party (EIF/SP);
    - (ii) those starting operation less than one year after EIF/SP;
  - (b) TVAs are in force in the time frame from EIF/SP+60 to EIF+390. As a consequence, the minimum time frame would be 30, the maximum 330 days;
  - (c) the permanent facility agreement shall be completed not later than EIF/SP+210, to replace the transitional facility agreement at EIF+390;
  - (d) whilst the facility agreement may be completed before the end of the transitional period it will not enter into force until the end of this period, unless mutually agreed;
  - (e) for the two sets of facilities under 5(a) the same timelines basically apply, but will depend on the actual start of operations. Therefore, a differentiating treatment may be required to accommodate, in practical terms, this factor;
  - (f) in accordance with Part IV(A), paragraph 55, the initial visit shall not exceed 5 days.
2. In addition to the existing monitoring equipment installed at the site by the inspected State Party, inspectors may use the agreed inspection equipment in a complementary manner, to fulfil inspection requirements.
3. For original States Parties, the transitional period may last 330 days. However, for States Parties that ratify after entry into force (EIF) the transitional period will be shorter. A transitional facility agreement is primarily meant to provide a provisional basis for the early presence of inspectors at the destruction facility. However, given the time constraints, the agreement should be negotiated from the very beginning in the context of its transition into a permanent facility agreement within a relatively short period of time. The latter would enforce the systematic verification activity as required for a chemical weapons destruction facility starting operation one year after EIF.

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<sup>1</sup> Contained in PC-VI/B/WP.14, Annex, Section 3.

4. Table 1 in the Attachment is applicable for use in the transitional period.
5. The factors listed in paragraph 41 of PC-V/B/WP.17 are also relevant in the context of a transitional facility agreement.
6. The guidelines for inspection activities at a chemical weapons destruction facility operational at EIF or within one year after EIF will be very similar to those adopted for the conduct of inspection of chemical weapons destruction facilities (C-I/DEC.6) and will differ only in minor details.
7. Guidelines to be established by the Executive Council for the assessment and approval of transitional verification arrangements are set out in the Attachment to this Paper.

## Attachment

### **Guidelines to be Established by the Executive Council for the Assessment and Approval of Transitional Verification Arrangements<sup>2</sup>**

In accordance with Part III, paragraph 6 and Part IV(A), paragraph 51, guidelines are to be established by the Executive Council at its First Session for the assessment and approval of transitional verification arrangements. For these guidelines the following should be taken into account:

- (a) according to the Verification Annex Part IV(A), paragraph 50 the Secretariat shall, during the transitional period, verify the destruction of chemical weapons by:
  - (i) confirming the identity and quantity of the chemical weapons stocks to be destroyed; and
  - (ii) confirming that these stocks have been destroyed;
- (b) verification through on-site inspection and monitoring with on-site instruments according to a transitional facility agreement and a time frame for the application of the arrangements (Verification Annex Part III, paragraph 6, and Part IV(A), paragraph 51);
- (c) the Group recommended that the following guidelines be used by the Executive Council for the approval of a transitional facility agreement and of transitional verification arrangements:
  - (i) avoidance of any hampering of ongoing destruction operations; and
  - (ii) sufficiency with regard to consistency and comprehensiveness for the transitional facility agreement and verification arrangements, to enable verification as described above to apply within the facility which is described by the detailed facility information provided and by the report on the initial visit to this facility.

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<sup>2</sup> Contained in PC-VI/B/WP.14, Annex, Appendix 1.

**Deadlines for submission of detailed facility information and activities prior to the beginning of systematic on-site verification.<sup>3</sup>**

**TABLE 1 - For Destruction Facilities Operational at EIF**

<b>Activity</b>	<b>Milestones</b>	<b>Basis or CWC Reference</b>
Provide Detailed Facility Information to the TS  Initial/Final Submission by State Party	EIF + 30 <sup>4</sup>	Based on Article III, ¶1(a)(v)
Initial Visit to the destruction facility by TS	EIF + 40	
Complete Transitional Verification Agreement	EIF + 60	Part IV(A), ¶51
Begin Transitional on-site presence by TS	EIF + 90	Based on Part III, ¶1&2
Draft Inspection Plan submitted by the TS	no later than EIF + 120	Based on Part IV(A), ¶54 & 56
Complete Routine Inspection Plan (TS) and Facility Agreement (TS and State Party)	EIF + 210	Part III, ¶6
Begin systematic on-site verification by TS	EIF + 390	Part IV(A), ¶51

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<sup>3</sup> Contained in PC-V/B/WP.17, Annex, Table 1.

<sup>4</sup> Time in days after entry into force (EIF)